

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MOSES PEREZ and DEE PEREZ,

Plaintiffs,

v.

K&B TRANSPORTATION, INC., and KIARA
WHARTON,

Defendants.

Case No. 1:17-cv-02610

Honorable Judge Pallmeyer

**Plaintiffs' Request To Produce
Upon Defendants Kiara Wharton and K&B Transportation, Inc.**

Plaintiffs, MOSES PEREZ and DEE PEREZ, by and through their attorneys, COGAN & POWER, P.C. pursuant to Rule 34 of the Federal Rules of Civil Procedure, requests that defendants, Kiara Wharton and K&B Transportation, Inc., produce within 30 days hereof the following:

1. All statements of witnesses, whether signed or unsigned, in word-to-word fashion or summarized fashion, electronic or tape recorded, relating to the issues of liability, the issues of causation, damages, or an issue of impeachment;
2. Copies of all incident or accident reports prepared by any person or entity pertaining to the collision described in the Complaint;
3. A copy of all of Kiara Wharton' driving licenses and medical cards in effect on the date of this collision;
4. All statements filed with any insurance carrier to advise them of the collision described in the Complaint, any claim for property damages, or for any other claims stemming from the January 20, 2016 collision;
5. Copies of Kiara Wharton' cell phone records for January 20, 2016;
6. A copy of all witness statements gathered by you, your investigators, police, your insurance carrier, or any other source regarding the collision on January 20, 2016;

7. A copy of all photos, motion pictures, videotapes, plans, maps, drawings, blueprints, sketches, diagrams, computer stimulations or any other demonstrative evidence regarding this collision, including without limitation, pictures of the vehicles and individuals involved, the collision site, and the surrounding areas leading to and from the collision site;

8. All documents pertaining to the load being carried at the time of the collision, including, but not limited to, bills of lading, contracts, toll receipts, broken documents and food, drink, lodging, fuel receipts, and credit card statements.

9. Kiara Wharton's complete application for employment, including, but not limited to, the application required under Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, Part 391.20;

10. All personnel, D.O.T. training, human resource, risk management, safety and all other files concerning Kiara Wharton;

11. Kiara Wharton's driver's qualification file, including, but not limited to, the file required under Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, Part 391.51.

12. Copies of all Motor Vehicle Records and DAC reports reflecting Kiara Wharton's past driving record.

13. Inquiries and responses to state agencies and prior employers of Kiara Wharton made pursuant to the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, Part 391.23.

14. Inquiries and responses concerning annual reviews of driving records and records of violations regarding your driver, Kiara Wharton, made pursuant to the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, Part 391.25 and 391.27.

15. Logs and records commonly known as "Driver's Daily Logs", MCS-139, MCS-139A, grid sheets or "Driver's Multi-Day Logs" concerning your driver for the period commencing three (3) months prior to the wreck described in the Complaint;

16. Results of all drug and alcohol tests administered to Kiara Wharton since the beginning of his employment with K&B Transportation through, and including, January 20, 2016;

17. All results of any random, "reasonable cause", pre-employment, biennial, and post-accident drug and alcohol testing;

18. All call-in reports, documents, recordings, or "accident call records", in the format in which they are kept, pertaining to this collision;

19. The original raw data and copies of any and all printouts of any on-board recording devices, an on-board computer, GPS, tachograph, trip monitor, trip recorder, trip master or device

known by any other name which records information concerning the operation of the truck for the period commencing 30 days before the collision and including information from January 20, 2016 and thereafter;

20. Copies of any and all daily vehicle inspection reports concerning the subject tractor and trailer involved in the collision for the 60 days prior to the collision through and including January 20, 2016 and 90 days after;

21. Copies of the complete maintenance and inspection records for your tractor and trailer involved in this collision for the five (5) years prior to and including January 20, 2016;

22. Copies of all lease, rental and/or other agreements regarding the truck, trailer and driver involved in the present collision that may have been in effect on January 20, 2016;

23. All of your driver's fuel receipts, toll receipts, comdata receipts, comdata reports, food receipts, checks, drafts, daily trip reports, payroll records, payroll work sheets and all other driving reports prepared by or about your driver for the period commencing three (3) months prior to January 20, 2016 and including January 20, 2016;

24. Copies of all DOT and State agency reviews of your company for the period commencing five (5) years prior to this collision, including up through the present time;

25. All claim forms, documents and correspondence concerning this collision to and from the owner of the property being transported by Kiara Wharton;

26. Copies of all documents including contracts pertaining to all brokers, shippers and freight forwarders involved in the load being transported at the time of this collision on January 20, 2016;

27. Copies of the title, registration and latest tag receipt for the vehicles (tractor and trailer) involved in the collision on January 20, 2016;

28. Copies of the most current annual inspection reports for the vehicles (truck and trailer) in use on January 20, 2016;

29. Copies of all documents, correspondence and reports sent to or received from any federal, state or local regulatory agency pertaining to this collision;

30. Copies of any documents or writings which support any contention that this collision was caused by any other person, entity or condition.

31. A copy of all documents showing your authority to operate your trucks through the state of Illinois (such as an I.C.C. permit or Certificate of Public Necessity and Convenience) and your permit to operate pursuant to the Interstate Commerce Commission rules.

32. Complete copies of each and every insurance agreement, bond or reinsurance agreement, along with all declaration pages, amendments, endorsements and changes to the policies identified in response to interrogatories.

33. Copies of all driver's manuals, company manuals, and other materials pertaining to company, federal or state rules, in effect at the time of the collision described in plaintiff's complaint.

34. Copies of all of Kiara Wharton's bi-annual medical reviews for the last eight years.

35. All data, medical reports, hospital records, letters of correspondence from or to all physicians, surgeons, counsel or hospitals, clinics or other medical personnel or medical institutions, concerning the health, physical and mental condition of Kiara Wharton, both prior to and subsequent to January 20, 2016;

36. All training materials provided by K&B Transportation to its truck drivers, including Kiara Wharton;

37. All safety materials, including videos, provided by K&B Transportation to its truck drivers, including Kiara Wharton;

38. All documents, papers, tangible objects or physical evidence that the party responding to this production request intends to introduce into evidence or use for demonstrative purposes at the trial of this matter;

39. All Qual-Com and GPS data for January 20, 2016 for Kiara Wharton and the tractor involved in this collision;

40. All of Kiara Wharton's personnel files, payroll receipts, employment and other agreements, pay stubs, and tax documents for the years 2010 through 2016;

41. The safety department's manuals, by-laws, and procedures and protocols effective on January 20, 2016;

42. All letters, documents, and applications for the liability, umbrella and riders insurance in effect on January 20, 2016;

43. All data from any source concerning the movement of the truck/trailer driven by Kiara Wharton on January 20, 2016;

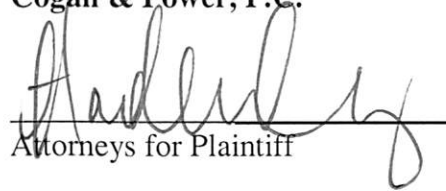
44. K&B Transportation's accident log;

45. Safety Department's organizational chart;

46. A privilege log specifying the date, title, author, recipient, and the nature of the privilege over any items which you are claiming are privileged from production.

Respectfully submitted,
Cogan & Power, P.C.

By:


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